

EXHIBIT 7

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

SANTIAGO MONTENEGRO,
Petitioner on Habeas Corpus,
vs.
BEN CURRY, et al.
Respondent.

Case No.: 1226699

Denial of Petition for Habeas Corpus

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

MAR 15 2007

GARY M. BLAIR, Executive Officer
BY MNR
M.N. RODRIGUEZ, Deputy Clerk

The court has read and considered the Petition for Writ of Habeas Corpus filed on behalf of Santiago Montenegro, but hereby denies the Petition for failure to state facts on which relief can be granted. (*People v. Swain* (1949) 34 Cal.2d 300, 304). This court is not free to reconsider the "some evidence" standard of review confirmed by the State Supreme Court in *In Re Dannenberg* (2005) 34 Cal.4th 1061. "Some evidence" for the decision of the Board of Prison Terms is found in the circumstances of the underlying life crime, which as compared to other second-degree murders was carried out in an especially callous manner, with use of a firearm, for a trivial reason, and was followed by protracted flight and belated admission of guilt. The Board was appropriately concerned with petitioner's disciplinary history during incarceration and failure to provide viable plans following release, notwithstanding contrary evidence of institutional sobriety, active AA work, and an exemplary work record. The Board also heard from the District Attorney's office in opposition to release. These factors are not immutable in their significance as the Board reconsiders the issue of parole suitability in the future.

DATED: March 15, 2007

James P. Rigali
JAMES RIGALI
Judge of the Superior Court